

Applicant : Matthew Seelig et al.

Date: 6/14/06

Serial No. : 10/813,914

Art Unit: 3733

Response to Office Action of February 7, 2006

REMARKS/ARGUMENTS

Favorable reconsideration is respectfully requested in view of the above amendments and the following discussion.

Applicants wish to thank the Examiner for the courtesy of granting a telephone interview with their attorney on June 12, 2006.

During the aforesaid interview, the Examiner withdrew the objections to the drawing pertaining to the reference characters "110" and "62". With respect to the technical informalities noted in the Notice of Draftsperson's Patent Drawing Review, directed to "copy marks", attached hereto are replacement sheets for a new drawing, free of copy marks. It is respectfully submitted that the drawing provided herewith meets the requirements of the Draftsperson, and it is respectfully requested that the replacement drawing be entered in the application.

The Abstract of the Disclosure has been amended to obviate the objection based upon the abstract of the disclosure being written like a claim. The Abstract of the Disclosure now is set forth in narrative form and fully meets the requirements of MPEP § 608.01(b).

Claims 6 and 7 have been amended to delete limitations pertaining to the pin and to set forth in greater detail structural features of the instrument itself. It is respectfully submitted that the informalities raised by the Examiner have been obviated.

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Claims 12 through 14 have been deleted as being withdrawn from further consideration in the present application, with the understanding that these claims can be presented in a divisional application.

Claims 1 through 11 have been rejected under 35 U.S.C. 102(b) as being anticipated by Lane (US Patent 6,066,143). As discussed in detail during the aforesaid telephone interview, Lane is directed to an instrument for pulling a pin having a head and relies upon the head of the pin for being engaged by a receiving end (2) of the instrument in order to couple the pin with the instrument during a pulling operation. As set forth in Lane, the receiving end 2 is shaped to engage a head 22 of a headed pin 23 and it is these complementary shapes of the pin head 22 and the receiving end 2 which provide a positive engagement for axial pulling (see column 2, lines 5-16).

In contradistinction, the instrument of the present invention is capable of pulling a pin which does not have a head. Toward that end, the instrument incorporates a gripping mechanism which includes first and second gripping elements, both of which cooperate to grip an unheaded projecting portion of the pin and, together with a pusher, pull the pin from a bone along a direction essentially parallel to the longitudinal axis of the pin.

All of the claims set forth a gripping mechanism having first and second gripping elements for gripping the pin between the first

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and second gripping elements, and a pusher for being moved subsequently to establish the extraction force which withdraws the pin from the bone, all in response to moving first and second handle members relative to one another. In Lane, the receiving end 2 merely is engaged with a head of a pin to pull the pin upwardly in response to downward movement of a pusher. There is no gripping mechanism having first and second gripping elements which can grip an unheaded pin for pulling. Accordingly, Lane neither anticipates nor renders obvious the subject matter of the present claims and it is respectfully requested that the rejection be withdrawn.

During the aforesaid interview, the Examiner suggested that another cited reference, namely, Irving (US Patent 6,481,691), discloses a fastener puller which operates in a manner similar to the present instrument. Irving is directed to a fastener puller which relies upon a "horn" having a wedge which slides beneath the head of an embedded fastener and pulls upwardly upon the fastener, in a manner very similar to Lane. The fastener illustrated in Irving is a staple, and the wedge of the horn is forced under the crown of the staple to couple the staple with the puller for pulling the staple from a substrate. There are no gripping elements in Irving capable of gripping an unheaded fastener - the disclosed fasteners all have a head, or crown, which must be engaged by the horn of the puller in order to effect pulling. Accordingly, the disclosure in Irving adds nothing by way of

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anticipation or rendering obvious the subject matter of the present claims.

The remaining cited references have been reviewed carefully and are deemed to add nothing by way of anticipation or rendering obvious the subject matter of the present claims.

It is respectfully submitted that the subject matter of the claims is neither anticipated nor rendered obvious by the disclosures of the cited references and it is respectfully requested that the claims be allowed and the application be passed to issue.

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Request for Extension in Time to Respond

Applicants hereby request that the period for response to the outstanding Office Action dated February 7, 2006, now set to expire on May 7, 2006, be extended by two (2) months, so as to expire on July 7, 2006.

Please charge the total amount of four-hundred-fifty dollars (\$450.) to my credit card, as per the accompanying Credit Card Payment form (PTO-2038) to cover the requested two-month extension in time.

Please charge any additional fees due you to Deposit Account No. 502221.

Respectfully submitted,



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Art Unit: 3733

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CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 20231, ON

JUNE 14, 2006

DATE

ARTHUR JACOB

NAME OF REGISTERED REPRESENTATIVE

Arthur Jacob

SIGNATURE

6/14/06

DATE